

REMARKS/ARGUMENTS

Summary of Applicant's Amendments

Claims 16-21 were rejected under 35 U.S.C. 112, first paragraph.

Claims 1-9 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Kita U.S. Patent No. 6,263,218 (hereinafter "Kita").

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Higuchi et al. U.S. Patent No. 6,697,647 (hereinafter "Higuchi").

Claims 11-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Togawa Japanese Patent Application No. JP2001086202A (hereinafter "Togawa").

Claims 15-25 and 27-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Perry U.S. Patent No. 6,160,489 (hereinafter "Perry") and Toyoshima JP2001-352378 (hereinafter "Toyoshima").

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Perry and Toyoshima and further in view of Oota U.S. Publication No. 2003/0176205 (hereinafter "Oota").

Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Togawa.

Claims 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima and Higuchi U.S. Patent No. 6,697,647 (hereinafter "Higuchi").

Claims 31-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi in view of Walter

U.S. Patent Publication No. 2003/0040286A1 (hereinafter "Walter").

Summary of Applicant's Amendments

Applicant has cancelled claim 7 without prejudice.

Applicant has amended claims 1 and 31 in order to expedite prosecution.

Applicant has added new claims 35-41 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicant traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any claim amendment or cancellation, or any subject matter included in the present application, in any number of continuation or divisional applications.

The 35 U.S.C. § 112 Rejection

Claims 16-21 were rejected under 35 U.S.C. 112, first paragraph.

The Examiner stated:

"claim 16 ... Applicant has no disclosure to support how vibrational signals are converted into light based signals.

claim 17 ... Applicant has no disclosure to support how vibrational signals are audible. Applicant has no disclosure to support how vibrational signals are converted into audible signals.

claim 18 ... Applicant has no disclosure to support how vibrational signals are converted to tactile signals.

claim 19 ... Applicant has no disclosure to support how vibrational sensor is operable to determine

different types of vibrations of the cellular phone.

claim 20 ... Applicant's disclosure does not explain how he is doing it."
(Office Action, page 3)

The Examiner's appears to misunderstand applicant's inventions of claims 16-21. Applicant's inventions of claims 16-21 include an autonomous sensing device for providing communications signals to a remote communications device. The remote communications device, in turn, provides notification signals.

Solely in order to expedite prosecution, applicant has amended claim 1, upon which claims 16-21 depend, to include the autonomous sensing device sensing a signal from a cellular phone that is operable to be directly perceived by a user.

Applicant's specification is thorough on how the sensing device may autonomously obtain information from cell phones. For example:

"For example, a vibrational sensor ... may be attached (e.g., velcroed) to a cellular phone such that when the phone vibrates (or vibrates in a certain manner) the remote notification device produces a notification signal (e.g., the device emits light, sound, or tactile signal)."
(applicant's spec., paragraph 11)

"Autonomous device 350, however, has a general benefit of being able to recognize alerts (e.g., incoming call alerts) from any model/make of cellular phone with a particular notification method."
(applicant's spec., paragraph 29)

"Autonomous device 350 may sense an incoming call (or other alert) in a variety of ways. For example, autonomous device 350 may include

vibration sensor 352 to determine when cellular phone 300 vibrates. Such vibration sensors ... may be, for example, in a piezoelectric-based ... Control circuitry to determine when a cellular phone vibrates occurs may be included ... in either autonomous device 350 or notification device 330."

(applicant's spec., paragraph 30)

"Notification device 330 may be similar to any notification device described in connection with, for example, system 100 of FIG. 1 or system 200 of FIG. 2..." (applicant's spec., paragraph 33).

"Notification device 330 may include ... display ... vibrator ... heater/cooler ... speaker ... or light emitting device ... control circuitry ... user input device..." (applicant's spec., paragraph 35)

Applicant's specification includes numerous additional instances of support for applicant's autonomous device and associated uses.

However, it is clear from just the above portions of applicant's specification that an autonomous device may be provided (e.g., via piezoelectric-based vibrational sensors) that determines when a phone vibrates. Such a device may be provided in a communications device that provides a signal to a notification device. In turn, the notification device can send notifications to a user in a variety of ways (e.g., light, vibrational, sound).

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 16-21 be withdrawn.

The 35 U.S.C. § 102(b) Rejection

Claims 1-9 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Kita.

Claim 1

The Examiner stated that Kita discusses a:

"Contrary to applicant's interpretation of Kita reference, Kita discloses device 24 (figs. 1-8) which can be mechanically attached to the celluarl phone for detecting and transmitting notification signal (col. 4, lines 15-24) which reads on applicant's autonomous sensing device" (Office Action, page 14)

The Examiner appears to misunderstand applicant's feature of an autonomous device. This is clear as a result of the Examiner's rejection of claims under 35 U.S.C. 112.

Applicant has amended claim 1 solely in order to expedite prosecution to include an autonomous sensing device that senses a signal from a cellular phone that is able to be directly perceived by a user. For example, a user can directly perceive the vibrations from a vibrating cellular phone. Accordingly, applicant's autonomous device is able to receive signals that a cellular phone produces for a user. As a result, applicant's autonomous sensing device may be used with a wide variety of makes/models of cellular phones - the autonomous device does not need to understand the electrical communication protocols of any individual make/model.

Kita's device merely receives an electrical signal configured specifically to be received by the Kita device. The signal that the Kita device receives cannot be perceived by a user. In other words, Kita merely describes a direct communication device. The Examiner's notion that the Kita device can be mechanically connected to a phone and can receive signals pre-configured for the Kita device is irrelevant. The Kita device does not show or suggest - in any way, shape, or form - an autonomous sensing device

that receives a signal that is able to be directly perceived by a user.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom, under 35 U.S.C. 102(a) be withdrawn.

Claim 14

The Examiner stated that:

"Applicant's claim limitation does not preclude other forms of notification so long as the reference is also teaching light-based notification"

Applicant's invention of claim 14 clearly mentions that the notifications are "only light based." Accordingly, applicant's invention of claim 14 does preclude other forms of notification. Accordingly, claim 14 is patentable. Applicant respectfully requests that the Examiner's rejection of claim 14, and any claims dependent therefrom, under 35 U.S.C. 102(b) be withdrawn.

The 35 U.S.C. § 103(a) Rejections

Claim 31

Claims 31-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi in view of Walter.

Applicant has amended claim 31 to include providing a signal to the cellular phone.

The Examiner stated that:

"Walter discloses ... notification signal that is only light based and provided by LED (paragraph: 009)." (Office Action, page 13).

The Examiner's argument is fundamentally flawed. Any reference that alleges using only LEDs cannot be combined with any reference that shows a variety of structures. Any such combination eviscerates the spirit of each of the references. Accordingly, the references directly teach away from one another.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 31, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Higuchi.

Claims 11-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Togawa.

Claims 15-25 and 27-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Perry and Toyoshima.

Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Perry and Toyoshima and further in view of Oota.

Claim 26 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Togawa.

Claims 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Toyoshima and Higuchi.

As shown above, applicant's independent claims 1 and 14 are patentable. Each of the above claims depend from claim 1 or 14. Accordingly, applicant respectfully requests that the above claims are patentable for depending from patentable independent claims.

New Claim 35-39

Applicant has added new claims 35-39. As shown above in connection with claims 16-21, none of the prior art shows or suggests - in any way, shape, or form - sensing the vibrations of a phone to provide a communications signal and providing a notification based on the communications signal. Accordingly, applicant respectfully submits that claims 35-39 are in condition for allowance.

New Claims 40-41

Applicant has added new claims 40 and 41, which depend from claim 1. As shown above, claim 1 is patentable. Accordingly, applicant respectfully submits that claims 40 and 41 are patentable as claims 40 and 41 depend from a patentable independent claim.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. A favorable action is respectfully requested.

The Director is hereby authorized to charge any fees associated with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

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